

| Range activity | Platform/system used | Proposed number of activities/year ¹ | | |
|--|---|---|-----------|-----------|
| | | Keyport range site | DBRC site | QUTR site |
| Fleet Activities ² (excluding RDT&E). | Unmanned Aerial System (UAS) test | 0 | 2 | 2 |
| | Surface Ship activities | 1 | 10 | 10 |
| | Aircraft activities | 0 | 10 | 10 |
| | Submarine activities | 0 | 30 | 30 |
| | Diver activities | 45 | 5 | 15 |
| Deployment Systems (RDT&E). | Range support vessels: | | | |
| | Surface launch craft | 35 | 180 | 30 |
| | Special purpose barges | 25 | 75 | 0 |
| | Fleet vessels ³ | 15 | 20 | 20 |
| | Aircraft (rotary and fixed wing) | 0 | 10 | 20 |
| | Shore and pier | 45 | 30 | 30 |

¹ There may be several activities in 1 day. These numbers provide an estimate of types of range activities over the year.
² Fleet activities in the NAVSEA NUWC Keyport Range Complex do not include the use of surface ship and submarine hull-mounted active sonars.
³ As previously noted, Fleet vessels can include very small craft such as SEAL Delivery Vehicles.

(d) Amended regulations are effective February 1, 2012, through April 11, 2016.

(e) The taking of marine mammals may be authorized in an LOA for the activities and sources listed in § 218.170(c) should the amounts (e.g., hours, number of exercises) vary from those estimated in § 218.170(c), provided that the variation does not result in exceeding the amount of take indicated in § 218.171(c).

[76 FR 20274, Apr. 12, 2011, as amended at 77 FR 4925, Feb. 1, 2012]

§ 218.171 Permissible methods of taking.

(a) Under Letters of Authorization issued pursuant to §§ 216.106 and 218.176 of this chapter, the Holder of the Letter of Authorization may incidentally, but not intentionally, take marine mammals within the area described in § 218.170(b), provided the activity is in compliance with all terms, conditions, and requirements of these regulations and the appropriate Letter of Authorization.

(b) The activities identified in § 218.170(c) must be conducted in a manner that minimizes, to the greatest extent practicable, any adverse impacts on marine mammals and their habitat.

(c) The incidental take of marine mammals under the activities identified in § 218.170(c) is limited to the following species, by Level B harassment only and the indicated number of times:

(1) Harbor porpoise (*Phocoena phocoena*)—56,415 (an average of 11,283 annually);

(2) Northern fur seal (*Callorhinus ursinus*)—220 (an average of 44 annually);

(3) California sea lion (*Zalophus californianus*)—570 (an average of 114 annually);

(4) Northern elephant seal (*Mirounga angustirostris*)—70 (an average of 14 annually);

(5) Harbor seal (*Phoca vitulina richardsi*) (Washington Inland Waters stock)—27,340 (an average of 5,468 annually); and

(6) Harbor seal (*P. v. richardsi*) (Oregon/Washington Coastal stock)—505 (an average of 101 annually).

§ 218.172 Prohibitions.

Notwithstanding takings contemplated in § 218.171 and authorized by a Letter of Authorization issued under § 216.106 of this chapter and § 218.176, no person in connection with the activities described in § 218.170 may:

(a) Take any marine mammal not specified in § 218.171(c);

(b) Take any marine mammal specified in § 218.171(c) other than by incidental take as specified in § 218.171 (c);

(c) Take a marine mammal specified in § 218.171(c) if such taking results in more than a negligible impact on the species or stocks of such marine mammal; or

(d) Violate, or fail to comply with, the terms, conditions, and requirements of these regulations or a Letter